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Atty. Docket No. 28944/40016

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REMARKS

Withdrawal of the final rejection, reconsideration of this application and an indication of allowability is respectfully requested in view of the following remarks.

The examiner and his supervisor, Mr. Cuomo, are thanked for the courtesy extended to applicant's attorney during a telephone interview conducted today. During this interview the Bolsworth, et al. patent disclosure and the instant application disclosure and claim 1 were discussed. The examiners indicated that in view of the comments and arguments advanced during the interview and set out below, they would allow the application so long as the supplemental search did not develop additional prior art.

In the final rejection of August 25, 2003, the examiner rejected claims 1-4 and 7 under 35 USC 102(b) as anticipated by Bolsworth, et al. (U. S. Patent No. 5,393,116), hereinafter the "'116 patent." This rejection is respectfully traversed in view of the following remarks.

As indicated during the interview, claim 1 has two limitations not found in the '116 patent, namely "the control piece is pivotally mounted on the folding portion of the back" and "a guide peg secured to the rigid plate." The structure of the '116 patent has neither of these features. This is apparent from comparing FIGS. 2 and 3 of the '116 patent and FIGS. 3 and 4 of the instant application. In the '116 patent the control piece 70 remains in the same position relative to the backing plate 32 as the seat back is moved. In claim 1, the control piece is "mounted on ... the back" and moves with the seat back, compare FIGS. 3 and 4 of the present application. Further, the guide peg 8 is "secured to the rigid plate" as see by noting that peg 8 does not change position relative to rigid plate 6 in either FIG. 3 or FIG. 4. In contrast, the guide peg 68 in the '116 patent moves from the 6 o'clock position in FIG. 2 to the 2:30 o'clock position in FIG. 3. Guide peg 68 is clearly not "secured to the rigid plate." The structure of the present invention is a simpler structure that is less likely to jam in use than the structure of the '116 patent. For these reasons, the '116 patent does not disclose or suggest the vehicle seat as claimed in claim 1. Because claims 2-4 and 7 are dependent on claim 1, the rejection of claims 1-4 and 7 should be withdrawn.

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The examiner has also rejected claims 5 and 6 as obvious in view of the '116 patent combined with JP 59034940A. This rejection is respectfully traversed.

The Japanese patent document in combination with the '116 patent does not disclose or suggest the unobvious features of the structure of claim 1 for the reasons as noted above. Since claims 5 and 6 are dependent on claim 1, this rejection should be withdrawn.

In view of the forgoing remarks and also in view of the interview with the examiners, it is contended that this application is in condition for allowance. Therefore, withdrawal of the final rejection and indication of allowability is respectfully requested.

Respectfully submitted,

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